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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BROADCAST MUSIC, INC.; HOUSE OF
BRYANT PUBLICATIONS, LLC.; DEL
SOUND MUSIC; CARL PERKINS MUSIC,
INC.; UNIVERSAL – SONGS OF POLYGRAM
INTERNATIONAL, INC.; SONY/ATV SONGS
LLC d/b/a SONY/ATV TREE PUBLISHING;
BOCEPHUS MUSIC, INC.; UNICHAPPELL
MUSIC, INC.; STONE DIAMOND MUSIC
CORP.; VELVET APPLE MUSIC; WARNER-
TAMERLANE PUBLISHING CORP.;
SONY/ATV SONGS LLC d/b/a SONY/ATV
ACUFF ROSE MUSIC; BIG YELLOW DOG,
LLC d/b/a BIG YELLOW DOG MUSIC;
TOKECO TUNES; BIENSTOCK MARKS LLC
AND HAMMERSTEIN MARKS LLC, A
PARTNERSHIP d/b/a EDWARD B. MARKS
MUSIC COMPANY; AF CIRCLE C FUND LLC
d/b/a LOVLAR MUSIC,

Plaintiffs,

v.

THE NATIONAL HOTEL LLC d/b/a THE
NATIONAL HOTEL; PREETH D’COSTA a/k/a
PETE D’COSTA; and MARIE D’COSTA, each
individually,

Defendants.

Civil Action No. _____

Document Electronically Filed

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants The National Hotel
LLC d/b/a The National Hotel, Preeth D’Costa a/k/a Pete D’Costa, and Marie D’Costa

(collectively, “Defendants”), allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is an action for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”) is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff House of Bryant Publications, LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Del Sound Music is a sole proprietorship owned by George Thorogood. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Carl Perkins Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Universal – Songs of Polygram International, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Tree Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Bocephus Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Unichappell Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Velvet Apple Music is a sole proprietorship owned by Dolly Parton. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Acuff Rose Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Big Yellow Dog, LLC is a limited liability company doing business as Big Yellow Dog Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Tokeco Tunes is a sole proprietorship owned by Toby Keith Covell. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Bienstock Marks LLC and Hammerstein Marks LLC is a partnership doing

business as Edward B. Marks Music Company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Plaintiff AF Circle C Fund LLC is a limited liability company doing business as Lovlar Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Defendant The National Hotel LLC is a limited liability company, organized and existing under the laws of the state of New Jersey, that operates, maintains, and controls an establishment known as The National Hotel (the “Establishment”), located at 31 Race Street, Frenchtown, New Jersey 08825, in this district.

21. In connection with the operation of the Establishment, Defendant The National Hotel LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

22. Defendant The National Hotel LLC has a direct financial interest in the Establishment.

23. Defendant Preeth D’Costa a/k/a Pete D’Costa (“Preeth D’Costa”) is an officer of Defendant The National Hotel LLC with responsibility for the operation and management of that limited liability company and the Establishment.

24. Defendant Preeth D’Costa has the right and ability to supervise the activities of Defendant The National Hotel LLC and a direct financial interest in that limited liability company and the Establishment.

25. Defendant Marie D’Costa is an officer of Defendant The National Hotel LLC with responsibility for the operation and management of that limited liability company and the Establishment.

26. Defendant Marie D’Costa has the right and ability to supervise the activities of

Defendant The National Hotel LLC and a direct financial interest in that limited liability company and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

27. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 26.

28. BMI has reached out to Defendants over ninety (90) times, by phone, in-person visit, mail and email in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI Repertoire. Included in the letters were Cease and Desist Notices, providing Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

29. Plaintiffs allege fourteen (14) claims of willful copyright infringement based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

30. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the fourteen (14) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying

the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

31. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

32. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

33. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

34. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

35. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI

Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: January 19, 2017
Newark, New Jersey

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	All I Have To Do Is Dream
Line 3	Writer(s)	Boudleaux Bryant
Line 4	Publisher Plaintiff(s)	House of Bryant Publications, LLC
Line 5	Date(s) of Registration	1/27/86 4/23/58
Line 6	Registration No(s).	RE 282-205 Ep 118560
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	2
Line 2	Musical Composition	Bad To The Bone
Line 3	Writer(s)	George Thorogood
Line 4	Publisher Plaintiff(s)	George Thorogood, an individual d/b/a Del Sound Music
Line 5	Date(s) of Registration	11/30/81
Line 6	Registration No(s).	PAu 363-194
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	3
Line 2	Musical Composition	Blue Suede Shoes a/k/aTwo Toned Shoes
Line 3	Writer(s)	Carl Lee Perkins
Line 4	Publisher Plaintiff(s)	Carl Perkins Music, Inc.
Line 5	Date(s) of Registration	12/23/83 12/29/55
Line 6	Registration No(s).	Re 186-810 Eu 421018
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	4
Line 2	Musical Composition	Brown Eyed Girl
Line 3	Writer(s)	Van Morrison
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	5/2/67
Line 6	Registration No(s).	Eu 993451
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	5
Line 2	Musical Composition	Crazy
Line 3	Writer(s)	Willie Nelson
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	3/6/89 10/16/61
Line 6	Registration No(s).	RE 422-869 Ep 156698
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	6
Line 2	Musical Composition	Family Tradition
Line 3	Writer(s)	Hank Williams, Jr.
Line 4	Publisher Plaintiff(s)	Bocephus Music, Inc.
Line 5	Date(s) of Registration	2/8/79
Line 6	Registration No(s).	PA 32-171
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	7
Line 2	Musical Composition	Have You Seen Her
Line 3	Writer(s)	Eugene Record; Barbara Acklin
Line 4	Publisher Plaintiff(s)	Unichappell Music Inc.
Line 5	Date(s) of Registration	7/30/71 1/31/81
Line 6	Registration No(s).	Eu 268862 PA 93-784
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	8
Line 2	Musical Composition	I Heard It Through The Grapevine a/k/a Heard It Through The Grapevine
Line 3	Writer(s)	Norman Whitfield, Barrett Strong
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	8/24/66
Line 6	Registration No(s).	Ep 220700
Line 7	Date(s) of Infringement	08/19/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	9
Line 2	Musical Composition	Nine to Five
Line 3	Writer(s)	Dolly Parton
Line 4	Publisher Plaintiff(s)	Dolly Parton, an individual d/b/a Velvet Apple Music; Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	5/29/80
Line 6	Registration No(s).	PA 69-550
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	10
Line 2	Musical Composition	Silver Wings
Line 3	Writer(s)	Merle Haggard
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	1/27/69 12/28/71
Line 6	Registration No(s).	Eu 95687 Ep 294777* *As contained in the Merle Haggard Newest Song Book
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	11
Line 2	Musical Composition	Travelin' Man
Line 3	Writer(s)	Jerry Fuller
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Acuff Rose Music
Line 5	Date(s) of Registration	1/11/88
Line 6	Registration No(s).	RE 371-110
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	12
Line 2	Musical Composition	Whiskey Girl
Line 3	Writer(s)	Scott Emerick, Toby Keith
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing; Big Yellow Dog, LLC d/b/a Big Yellow Dog Music; Toby Keith Covell, an individual d/b/a Tokeco Tunes
Line 5	Date(s) of Registration	11/21/03
Line 6	Registration No(s).	PA 1-203-072
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	13
Line 2	Musical Composition	Drinkin' Thing
Line 3	Writer(s)	Wayne Carson Head
Line 4	Publisher Plaintiff(s)	AF Circle C Fund LLC d/b/a Lovolar Music
Line 5	Date(s) of Registration	7/26/73 6/4/76
Line 6	Registration No(s).	Eu 421789 Ep 354916
Line 7	Date(s) of Infringement	10/14/2015
Line 8	Place of Infringement	The National Hotel

Line 1	Claim No.	14
Line 2	Musical Composition	Paradise By The Dashboard Light
Line 3	Writer(s)	James Steinman a/k/a Jim Steinman
Line 4	Publisher Plaintiff(s)	Bienstock Marks LLC and Hammerstein Marks LLC, a partnership d/b/a Edward B. Marks Music Company
Line 5	Date(s) of Registration	5/13/77 9/18/78
Line 6	Registration No(s).	Eu 785460 PA 13-430
Line 7	Date(s) of Infringement	10/15/2015
Line 8	Place of Infringement	The National Hotel
